IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

PHYLLIS TOWN,   3:10-CV-1301-AC

                    Plaintiff,   ORDER

        v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

                    Defendant.

Merrill Schneider
SCHNEIDER LAW OFFICERS
PO Box 14490
Portland, OR 97293

            Attorney for Plaintiff
/ / /

/ / /

/ / /

/ / /

1 - ORDER

Adrian L. Brown
U.S. ATTORNEY'S OFFICE
District of Oregon
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204

David J. Burdett
SOCIAL SECURITY ADMINISTRATION
Office of the General Counsel
701 Fifth Avenue, Suite 2900, M/S 901
Seattle, WA 98104

        Attorneys for Defendant

HERNANDEZ, District Judge:

    Magistrate Judge John V. Acosta issued a Findings and Recommendation (doc. #22) on

December 19, 2011, in which he recommends that the Social Security Commissioner's (the

"Commissioner") final decision in connection with Plaintiff's application for Disability

Insurance Benefits under Title II of the Social Security Act be reversed and remanded to the

Commissioner for reconsideration. The matter is now before me pursuant to 28 U.S.C. §

636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure.

    Because no objections to the Magistrate Judge's Findings and Recommendation were

timely filed, I am relieved of my obligation to review the record de novo. United States v.

Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate

Judge's report to which objections have been made). Having reviewed the legal principles de

novo, I find no error.

/ / /

2 - ORDER

CONCLUSION

The court ADOPTS Magistrate Judge Acosta's Findings and Recommendation (doc.

#22). Accordingly, the Commissioner's final decision in connection with Plaintiff's application

for Disability Insurance Benefits is reversed and remanded to the Commissioner for

reconsideration.

IT IS SO ORDERED.

DATED this ___9th___ day of January, 2012.

 /s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge

3 - ORDER